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NAZI WAR CRIMES DISCLOSURE ACT
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JUSTICE FOR RYAN

E.O. 12356: N/A

TEXT
TAGS: FR, PGOV, SHUM (BARBIE, KLAUS)
SUBJECT: KLAUS BARBIE TRIAL - THE VIEW FROM LYON

FOR COORDINATION ^{ed} WITH State

SUMMARY. THE KLAUS BARBIE TRIAL HAS FINISHED ITS SECOND WEEK OF WHAT IS NOW PROJECTED TO BE MORE THAN TWO MONTHS. LOCAL PRESS COVERAGE AND LOCAL PUBLIC INTEREST HAS DROPPED OFF SHARPLY AFTER THE FIRST FEW DAYS OF THE TRIAL, IN LARGE PART DUE TO BARBIES REFUSAL TO ATTEND THE PROCEEDINGS AFTER THE THIRD DAY. THERE HAS BEEN NO SUBSTANTIAL FOCUS ON THE AMERICAN INVOLVEMENT WITH BARBIE AFTER THE WAR, AND THE CONSULATE GENERAL, PERHAPS AS A RESULT, HAS RECEIVED NO PRESS NOR PRESS PUBLIC ATTENTION.
END SUMMARY.

1. THE TRIAL OPENED AT THE PEAK OF A TWO-WEEK LOCAL MEDIA BLITZ. AFTER MONTHS OF GIVING VERY LITTLE COVERAGE TO THE IMPENDING PROCEEDINGS, ALL OF THE LOCAL JOURNALS OPENED UP ON APRIL 28-29 WITH DAILY MULTI-PAGE SPREADS CHRONICLING BARBIES WARTIME ACTIVITIES AND OUTLINING THE EVIDENCE TO BE PRESENTED AGAINST HIM. THE TRIAL WAS ANALYSED FROM ALL ANGLES WITH THE TACTICS AND PERSONALITY OF

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BARBIE'S LAWYER, JACQUES VERGES, RECEIVING MUCH PLAY. THERE WAS ONLY A SINGLE ARTICLE CONCERNING BARBIE'S EMPLOYMENT BY THE U.S. ARMY IN GERMANY AFTER THE WAR, WHICH MERELY OUTLINED THE FINDINGS OF THE RYAN REPORT IN AN EVEN MORE MATTER-OF-FACT TONE.

2. THE TRIAL SO FAR DIVIDES ITSELF INTO TWO PHASES, WITH BARBIE AND WITHOUT. DURING THE FIRST FEW DAYS, WHEN HE WAS PRESENT, PARTICULARLY WHEN HE WAS EXAMINED ON PRELIMINARY MATTERS, THERE WAS INTENSE MEDIA FOCUS, BOTH LOCAL AND INTERNATIONAL. IT WAS THE FIRST PUBLIC VIEW OF THE BUTCHER OF LYON. THE SENSE OF ANTICIPATION ON ALL SIDES CONCERNING THE CONFRONTATIONS WITH HIS ACCUSERS AND THE SPECULATION CONCERNING BARBIE'S POSSIBLE REVELATIONS IN RESPONSE WERE AT A MAXIMUM.

3. WHEN BARBIE ABRUPTLY QUIT THE PROCEEDINGS, ON MAY 13, THERE WAS MORE SURPRISE LOCALLY THAN THERE SHOULD HAVE BEEN, GIVEN THE FACT VERGES HAD USED THE SAME TACTIC IN THE EARLIER TRIAL OF GEORGES ABDALLAH. AT THE TIME, THE PREVAILING OPINION IN COURT AND ELSEWHERE WAS TO LET HIM GO RATHER THAN PUT THE JUSTICE SYSTEM IN A BAD LIGHT BY USING PHYSICAL FORCE ON AN OLD MAN TO COMPEL HIM TO ATTEND. BY THE END OF WEEK TWO, HOWEVER, THE MOOD IN LYON SEEMS TO HAVE CHANGED AND THE COURT APPEARS TO BE HEADING TOWARD COMPELLING BARBIE'S PRESENCE IN THE FACE OF PRESSURE FROM THE CIVIL PARTIES.

4. THERE ARE TWO THEORIES WHY BARBIE ABRUPTLY LEFT THE COURT, NEITHER OF WHICH, DESPITE BARBIE'S STATEMENT, IS THAT IT WAS A PRINCIPLED DECISION TO PROTEST THE MANNER OF HIS BEING BROUGHT TO FRANCE FROM BOLIVIA. ONE IS THAT HIS EARLY TESTIMONY WAS NOT GOING WELL, IN THE EYES OF HIS ATTORNEY VERGES, WHO REMOVED HIM FROM THE COURT RATHER THAN LET HIM GO ON PUBLICLY ABOUT HIS CAREER. THE SECOND IS THAT IT WAS A TACTICAL DECISION TIMED BY VERGES TO REMOVE BARBIE JUST BEFORE THE EMOTIONAL HEART OF THE TRIAL - THE CONFRONTATION AND ACCUSATION BY THE VICTIMS AND WITNESSES. WITH NO POSSIBLE DEATH PENALTY AND BARBIE'S CONDEMNATION TO THE REMAINDER OF HIS LIFE IN PRISON (CONTINUATION OF THE STATUS QUO) A FOREGONE CONCLUSION, THE THRUST OF OPINION HAS BEEN THAT IT IS THE PROCESS ITSELF THAT MATTERS MOST TO THE VICTIMS, TO FRANCE, AND TO HISTORY. THE FACT OF CONVICTION AND PUNISHMENT IS SECONDARY. WITHOUT BARBIE'S PRESENCE THE POSSIBILITY OF ACHIEVING THE HOPED-FOR CATHARSIS IS GREATLY REDUCED. AS A SECONDARY MATTER, AVOIDING CONFRONTATION WITH THE WITNESSES IS A CLEVER LEGAL TACTIC. FROM A PROSECUTOR'S PERSPECTIVE, THIS IS NOT A STRONG CASE IN AN EVIDENTIARY SENSE. OF COURSE, UNDER THE SPECIAL CIRCUMSTANCES OF THIS CASE, IT DOES NOT NEED TO BE. NEVERTHELESS, THE TRIAL SO FAR HAS HINGED ON BARBIE'S PRESENCE OR ABSENCE AND HE AND VERGES HAVE PUT THEMSELVES TACTICALLY IN CONTROL.

5. THE USG INVOLVEMENT WITH BARBIE AFTER WORLD WAR II HAS RECEIVED LITTLE ATTENTION THUS FAR. THE CONSULATE GENERAL IS KEEPING A LOW PROFILE, SENDING NO OBSERVER TO THE TRIAL AND FOLLOWING THE CASE LARGELY IN THE PRESS. THERE HAVE BEEN NO NOTABLE MEDIA INQUIRIES OF US SO FAR. ON THE MORNING OF THE SECOND DAY OF TRIAL, SERGE AND BEATE KLARSFELD APPEARED AT THE CONSULATE GENERAL FOR A ROUTINE NOTARIAL SERVICE WHICH HAD NOTHING TO DO WITH THE BARBIE CASE. CONOFF MENTIONED HIS PERSONAL INTEREST IN THE TRIAL AS A FORMER PROSECUTOR AND SPOKE WITH THE KLARSFELDS BRIEFLY ABOUT THE CASE. WHEN THE RYAN

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REPORT CAME UP, BOTH QUICKLY DISMISSED IT, INSTEAD SPEAKING WITH APPROVAL OF THE USGS RECENT ACTIONS IN THE LINNAS AND WALDHEIM CASES. WITH THE KLARSFELDS IN A PROMINENT POSITION AMONG THE CIVIL PARTIES, CONOFF WAS LEFT WITH THE IMPRESSION THAT THEIR FAVORABLE VIEW OF RECENT USG ACTION IN NAZI WAR CRIME CASES WOULD MUTE, IF NOT ELIMINATE, ATTENTION TO AND CRITICISM OF THE U.S. ROLE IN BARBIES CASE.

CONCLUSION - MEDIA AND PUBLIC INTEREST IN LYON HAS SLUMPED AS A RESULT OF BARBIES ABSENCE. WE HAVE HEARD THAT THERE ARE EMPTY SEATS IN THE PRESS GALLERY NOW GOING TO MEMBERS OF THE PUBLIC. THE FOCUS REMAINS AS ALWAYS ON BARBIE. THE MAIN QUESTION IS - WILL HE BE FORCIBLY BROUGHT TO COURT? NO ONE SEEMS TO HAVE CONSIDERED THAT VERGES MAY CHANGE TACTICS AND BRING HIM BACK WHEN THE PROSECUTION WITNESSES HAVE ALL COME AND GONE, ALLOWING HIM AND HIS CLIENT TO AGAIN SEIZE THE INITIATIVE.
VALERGA

ADMIN
END OF MESSAGE

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